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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,441	01/04/2001	Shinji Yoshihara	39303.20219.00	3382

25224 7590 12/26/2007

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EXAMINER	
RECEK, JASON D	
ART UNIT	**PAPER NUMBER**
2142	

MAIL DATE	DELIVERY MODE
12/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/754,441	YOSHIHARA ET AL.	
	Examiner	Art Unit	
	Jason Recek	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *35-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *35-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 January 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This is in response to the amendment filed on May 29th 2007 which concerns application 09/754441.

Status of Claims

Claims 1-34 have been cancelled.

Claims 35-41 are pending of which claims 35, 38 and 41 are in independent form.

Claims 35-41 are rejected under 35 U.S.C. 103(a).

Response to Arguments

1. Applicant's arguments filed May 29th 2007 have been fully considered but they are not persuasive.

2. Applicant argues that Moller does not disclose direct communication between server and client apparatus. This argument is not persuasive because Moller does in fact disclose direct communication between server and client. Moller discloses a server connected to a client via a communication network (Fig. 1), and discloses that the network may be the Internet or a proprietary network (col. 3 ln. 46-51). There are no

intervening devices between the server and the client, thus Moller discloses direct communication between server and client.

3. Applicant's arguments with respect to storing music data in text format and converting music data from text format into MIDI format have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 35-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moller et al. U.S. Pat. 6,598,074 B1 in view of Timis et al. U.S. Pat. 5,792,971.

6. As to claim 35, Moller teaches substantially the invention as claimed, including a server apparatus *(Fig. 1, server 12)* communicably connected to a plurality of client apparatuses *(Fig. 1, clients 14, 16)* through a communication network *(Fig. 1, Internet 18),* for performing a music composing work *(a multimedia project)* according to data input at the plurality of the client apparatuses to thereby create a file of music data *(a*

multiple "takes" record, data units, tracks) under collaboration *(Abstract)* of a plurality of users of the plurality of client apparatuses with collecting ideas *(collaborators' contributions, col. 4, lines 35-40)* of the plurality of the users, the server apparatus comprising:

a data storage section that stores music data ... under the music composing work *(virtual studio, col. 4, lines 5-15);*

an information transmitting section that transmits display information directly to each of the client apparatuses such that each client apparatus displays a composing screen according to the directly transmitted display information *(col. 4, lines 15-26)*;

a data receiving section that directly receives from each client apparatus composing data, which is generated by the client apparatus based on data input to the composing screen displayed according to the display information, and which represents either of a partial composing content or partial editing content of the music data *(col. 4, lines 26-49);*

a composing and editing section that performs the music composing work including input and edition of the music data according to the composing data directly received from each client apparatus to thereby update the music data stored in the data storage section *(col. 4, lines 26-49);*

and a music data transmitting section that responds to an updating request from the client apparatus for directly transmitting the updated music data stored in the data storage section as display information to the client apparatus such that the client

apparatus can display the updated music data of a MIDI format on the composing screen *(col 4, lines 26-49)*.

Moller does not explicitly disclose "stores music data of a text format" however this is taught by Timis as storing music data (col. 7 ln. 35) in as a textual representation (col. 7 ln. 54-55, Fig. 4d).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Moller by storing musical data in text form as taught by Timis for the purpose of reducing file size. Moller discloses that media files take up a lot of disk space therefore it is necessary to remove unused files (col. 27 ln. 32-33), storing media files as textual representations is another way of solving this problem.

Moller also does not disclose "wherein the updated music data is converted from the text format to the MIDI format at either the server apparatus or the client apparatus" however this is taught by Timis as a processing unit with a MIDI output so that whatever form the music is stored in can be converted to MIDI format (col. 7 ln. 25-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the conversion feature taught by Timis into Moller for the purpose of playing back music. A text file may not be played and thus would have to be converted in order for the collaborator to hear the music. A MIDI file is well known in the art and yields predictable results.

7. As to claim 36, Moller discloses including a second music data transmitting section that responds to a data save request from the client apparatus for converting the music data stored in the data storage section from a data format which is editable to another data format which is performable, and directly transmitting the music data the MIDI format to the client apparatus *(col. 4, lines 26-56).*

Moller does not explicitly disclose converting data "from the text format which is editable to the MIDI format" however this is taught by Timis as storing music in a editable text format and then processing to create a music signal which can be outputted to a MIDI device (col. 5 ln. 38-40, col. 6 ln. 60-61 and col. 7 ln. 54-55).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the conversion feature taught by Timis into Moller for the purpose of playing back music. A text file may not be played and thus would have to be converted in order for the collaborator to hear the music. A MIDI file is well known in the art and yields predictable results.

8. As to claim 37, Moller discloses, wherein the information transmitting section further directly transmits chat screen information to the respective client apparatuses such that each client apparatus can display a chat screen *(Hara, Fig. 22, box 288)* for chatting with other client apparatuses *(col. 4, lines 26-34),* the server apparatus further comprising:

a registering section that registers conversation data *(chat administration, col. 4, lines 57-64);*

a conversation data update section that directly receives from the client apparatus the conversation data which is generated according to data input to the chat screen which is displayed based on the chat screen information, and that updates the conversation data registered in the registering section each time the conversation data is received *(col. 4, lines 1-64);* and

a conversation data transmitting section that responds to a chat update request from the client apparatus for directly transmitting the updated conversation data registered in the registering section *(col. 4, lines 1-64).*

9. Claim 38 is a computer readable medium claim that corresponds to the server apparatus as claimed in claim 35; therefore, it is rejected under the same rationale as in claim 35.

10. Claim 39 corresponds to the server-side apparatus claim of claim 35 but on the client-side apparatus of the system; the functions on server and client are exchangeable; therefore, it is rejected under the same rationale as in claim 35.

11. Claim 40 corresponds to the server-side apparatus claim of claim 36 but on the client-side apparatus of the system; the functions on server and client are exchangeable; therefore, it is rejected under the same rationale as in claim 36.

12. Claim 41 corresponds to the server-side apparatus claim of claim 37 but on the client-side apparatus of the system; the functions on server and client are exchangeable; therefore, it is rejected under the same rationale as in claim 37.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ferguson U.S. Pat. 5,995,951 A teaches network collaboration with musical notation.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Recek whose telephone number is (571) 270-1975. The examiner can normally be reached on Mon - Thurs 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andy Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER